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MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 25, 2008

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, NOVEMBER 25, 2008, AT 4:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Carolynn Burt
Joel Coleman
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT:

Russ Brooks
Corey Rushton

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Kevin Astill, Parks and Recreation Director
Buzz Nielsen, Police Chief
John Evans, Fire Chief
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Joseph Moore, CED Director
Layne Morris, Community Preservation Director
Nicole Cottle, Acting City Attorney
Jake Arslanian, Public Works Department

14296 OPENING CEREMONY

The Opening Ceremony was conducted by Dennis Nordfelt who led the Pledge of Allegiance to the Flag.

14297 CARL PARKER, URMMA LOSS CONTROL MANAGER - PRESENTATION OF ACHIEVEMENT IN RISK MANAGEMENT AWARD TO WEST VALLEY CITY

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City Manager, Wayne Pyle, introduced representatives of Utah Risk Management Mutual Association (URMMA) including Dean Steel, Executive Director, Carl Parker, Loss Control Manager, and Joanne Glantz, Education Manager.

Dean Steel addressed the City Council and expressed appreciation for the partnership of West Valley City and URMMA. Mr. Steel discussed background of the creation of URMMA. He also mentioned that City Manager, Wayne Pyle, was chairman of the board and other City staff had served in various capacities over the years.

Carl Parker addressed the City Council. Mr. Parker explained the importance of risk management and he shared observations of the City's risk management structure and staff involvement. He also discussed the annual audit of member cities and informed West Valley City had achieved the highest score this year. He challenged City staff to continue that effort and for the Council to encourage City management to strive to reach that goal every year.

Mr. Parker presented an Achievement in Risk Management Award to West Valley City which was accepted by Mayor Nordfelt.

Joanne Glantz addressed the City Council and explained training programs. Ms. Glantz also distributed written information regarding the topics and training available. She congratulated the City on receiving the award.

Mayor Nordfelt expressed appreciation for being part of URMMA. He stated he accepted the award on behalf of the citizens of the City, while being fully aware of the expertise and commitment of the employees who deserved the recognition and thanks.

14298

COMMENT PERIOD

Upon inquiry by Mayor Nordfelt, the following individual addressed the City Council during the Comment Period.

Ginger Nelson, 6891 West 3710 South, addressed the City Council. Ms. Nelson stated she had been a resident of the City for 27 years and had always taken pride in being a resident until recently. She discussed a citation received from the City regarding landscaping in her front yard. She related conversations with a code enforcement officer and a police officer regarding this issue. She also stated a code enforcement officer treated her in an unprofessional manner. Ms. Nelson suggested the officer's method of hand delivering, rather than mailing the notices of violation, amounted to intimidation.

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Mayor Nordfelt advised that elected officials could not deal with personnel or procedural matters and suggested Ms. Nelson contact the City Manager regarding this issue. He also encouraged Ms. Nelson to give her written information to the City Manager.

14299 **PUBLIC HEARING, APPLICATION NO. S-3-2008, FILED BY ANIL SINGH, REQUESTING FINAL PLAT APPROVAL FOR GRANT ESTATES SUBDIVISION – AMENDED, LOCATED AT 3822 SOUTH 4400 WEST**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. S-3-2008, filed by Anil Singh, requesting final plat approval for Grant Estates Subdivision – Amended, located at 3822 South 4400 West. He discussed proposed Ordinance No. 08-52 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-52 which would approve an amendment of Grant Estates Subdivision.

Mr. Pyle stated the requested amendment was for a three-lot subdivision in an ‘R-1-8’ zone. He indicated the proposed subdivision would amend a subdivision recorded in 1996 with an original plat consisting of two lots. He advised a new dwelling had never been constructed on the flag lot.

The City Manager reported the developer proposed to amend the original plat by adding a third lot. He stated an existing dwelling would be on Lot 1 intended to stay and to have direct access to 4400 West. He also stated the remaining property was vacant and would gain access from a new driveway along the south boundary.

Mr. Pyle indicated access to the subdivision would be gained from 4400 West. He stated dedication of the right-of-way to a three-foot half width occurred as part of the original subdivision. However, street improvements across the frontage of the property did not exist. He indicated improvements would include curb, gutter, sidewalk and street would need to be installed as part of the development. He further indicated an access easement had been added to the plat to serve Lots 2 and 3.

The City Manager reported the developer would need to meet various requirements of the Fire Department. He indicated a hammerhead turnaround had

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been platted to accommodate emergency vehicles. He also stated a fire hydrant would need to be located within 250 feet of the back dwelling.

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

ACTION: ORDINANCE NO. 08-52, APPROVE AMENDMENT OF GRANT ESTATES SUBDIVISION

The Council previously held a public hearing regarding Application No. S-3-2008, filed by Anil Singh, and proposed Ordinance No. 08-52 which would approve an amendment of Grant Estates Subdivision located at 3822 South 4400 West.

After discussion, Councilmember Coleman moved to approve Ordinance No. 08-52, an Ordinance Approving the Amendment of the Grant Estates Subdivision. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

14300

PUBLIC HEARING, APPLICATION NO. S-20-2008, FILED BY JOHN PEOPLES, REQUESTING FINAL PLAT APPROVAL FOR PEOPLES SUBDIVISION – AMENDING LOTS 33-35 HAWARDEN HEIGHTS NO. 2 SUBDIVISION, LOCATED AT 3341 WEST 4100 SOUTH

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. S-20-2008, filed by John Peoples, requesting final plat approval for Peoples Subdivision amending Lots 33-35 Hawarden Heights No. 2 Subdivision located at 3341 West 4100 South. He discussed proposed Ordinance No. 08-53 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

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City Manager, Wayne Pyle, presented proposed Ordinance No. 08-53 which would approve amendment of Lots 33-35 of the Hawarden Heights No. 2 Subdivision.

Mr. Pyle stated the proposal would divide three existing duplexes into individual lots. He also stated this type of request was typically handled by a lot split application. He explained Section 7-2-126 of the City Code allowed for division of a two-family dwelling without doing a formal plat. However, because the duplexes had been constructed on formally platted lots in the Hawarden Heights No. 2 Subdivision, a plat amendment would be required.

The City Manager reported the existing duplexes were located on lots approximately 7,100 square feet in size. He stated because the duplexes were set to one side of the lot frontage and area requirements could not be met for this application. He indicated, as a result of these standards, the applicant petitioned the West Valley City Board of Adjustment regarding frontage and area variances. The Board had granted approvals for both the frontage and area requirements making the subdivision possible.

Mr. Pyle stated access to each duplex would be gained from 4100 South. He also stated dedication along 4100 South and all public improvements existed including curb, gutter, and sidewalk. He indicated existing drive approaches were in place for all units. He also stated a notation would be placed on the plat identifying these areas as shared access easements to be maintained in common by the appropriate unit numbers.

The City Manager explained although not required by ordinance, the applicant intended to improve the structures in order to sell them. He stated improvements to the landscaping and interiors, would be made as well as cosmetic improvements to the exteriors. He also advised the owner hoped that once units sold, people would take pride in ownership and maintain the property better than previous owners.

Mr. Pyle further explained dividing a duplex with a property line was not necessarily unique to the City, but did involve some building modifications. He indicated the applicant was required to separate each unit with a fire wall and would need to coordinate water and sewer services for separate units with Granger-Hunter Improvement District.

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

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ACTION: ORDINANCE NO. 08-53, APPROVE AMENDMENT OF LOTS 33-35 OF THE HAWARDEN HEIGHTS NO. 2 SUBDIVISION

After discussion, Councilmember Coleman moved to approve Ordinance No. 08-53, an Ordinance Approving the Amendment of Lots 33-35 of the Hawarden Heights No. 2 Subdivision. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	No
Mr. Winder	Yes
Mayor Nordfelt	Yes

Majority.

14301

PUBLIC HEARING, APPLICATION NO. S-29-2008, FILED BY JEFF CONDIE, REQUESTING FINAL PLAT APPROVAL FOR CONDIE SUBDIVISION – AMENDED AND EXTENDED LOCATED AT 4175 SOUTH 4800 WEST

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. S-29-2008, filed by Jeff Condie, requesting final plat approval for Condie Subdivision – Amended and Extended, located at 4175 South 4800 West. He discussed proposed Ordinance No. 08-54 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-54 which would approve the amendment of Lots 1-6 of the Condie Subdivision.

Mr. Pyle stated the subject property was bordered on the north by the Granger Gardens Subdivision and the east by the Moose Landing PUD. He further stated property to the south was zoned residential and would be subdivided in the future as part of the Condie Park Estates Subdivision.

The City Manager explained the original plat consisted of six lots on approximately 2.3 acres. He also explained the original plat contained a portion of 4175 South as a dedicated street. He stated the purpose for this plat was to extend the subdivision eastward, dedicate the remaining right-of-way for 4175 South and consolidate all lots to create one large lot. In addition, the plat would dedicate an

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additional seven feet along 4800 West to complete the full right-of-way requirements along this road.

Mr. Pyle reported that in April, 2008, the Planning Commission reviewed a conditional use permit and development plan for the remaining undeveloped property. At the present time, the project site consisted of 22 dwelling units. He also reported the recently approved conditional use would allow the developer to build an additional 12 units.

The City Manager stated as part of the conditional use approval, the Planning Commission recommended all existing lots be consolidated to create one large lot. In addition, access to any new units would need to be gained from a dedicated street. He further explained as a result, Mr. Condie had submitted a plat that accomplished all of those requirements.

Mayor Nordfelt opened the public hearing.

Jeff Condie, applicant, addressed the City Council. Mr. Condie discussed the proposal and requested approval of the application. He answered questions from members of the City Council regarding the application.

There being no one else to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

ACTION: APPROVE THE AMENDMENT OF LOTS 1-6 OF THE CONDIE SUBDIVISION

After discussion, Councilmember Burt moved to approve Ordinance No. 08-54, an Ordinance Approving the Amendment of Lots 1-6 of the Condie Subdivision. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

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14302 **ORDINANCE NO. 08-55, REPEAL SECTIONS 3-3-105 AND 3-3-106 OF TITLE 3 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING ELIMINATION OF THE ORDINANCE ENFORCEMENT/ANIMAL CONTROL DIVISION AND THE HOUSING AND GRANTS DIVISION, AND AMENDING CHAPTER 3-13 OF TITLE 3 BY ENACTING THE COMMUNITY PRESERVATION DEPARTMENT**
City Manager, Wayne Pyle, presented proposed Ordinance No. 08-55 which would repeal Sections 3-3-105 and 3-3-106 of Title 3 of the West Valley City Municipal Code regarding elimination of the Ordinance Enforcement/Animal Control Division and the Housing and Grants Division, and amend Chapter 3-13 of Title 3 by enacting the Community Preservation Department.

Mr. Pyle stated Title 3 of the West Valley City Municipal Code needed to be changed to enact the Community Preservation Department. He also stated Chapter 3-13 described the duties and responsibilities of the new Community Preservation Department, which consisted of three divisions: Housing and Grants, Code Enforcement, and Animal Services.

The City Manager indicated previously the Animal Services Division and the Code Enforcement Division had been one division which, along with the Housing and Grants Division, had been located in the Community and Economic Development Department. He advised the proposed code changes would separate the Code Enforcement and Animal Services Divisions, and place them in the newly established Community Preservation Department, along with the Housing and Grants Division.

After discussion, Councilmember Winder moved to approve Ordinance No. 08-55, an Ordinance Repealing Sections 3-3-105 and 3-3-106 of Title 3 of the West Valley City Municipal Code Regarding the Elimination of the Ordinance Enforcement/Animal Control Division and the Housing and Grants Division, and Amending Chapter 3-13 of Title 3 by Enacting the Community Preservation Department. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

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Unanimous.

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RESOLUTION NO. 08-282, APPROVE FUNDS FOR A FEASIBILITY STUDY OF HIGH-CAPACITY INTERSECTION DESIGN AT 4100 SOUTH AND BANGERTER HIGHWAY AND AUTHORIZE EXECUTION OF AN AGREEMENT WITH AVENUES CONSULTANTS

City Manager, Wayne Pyle, presented proposed Resolution No. 08-282 which would approve funds for a feasibility study of high capacity intersection design at 4100 South and Bangerter Highway, in an amount not to exceed \$55,000.00, and authorize execution of an agreement with Avenues Consultants.

Mr. Pyle stated the proposal would appropriate funds to hire Avenue Consultants to evaluate high capacity at-grade intersection alternatives for the intersection of 4100 South and Bangerter Highway and produce conceptual design and cost estimate.

The City Manager reported east-west travel on 4100 South was severely congested during peak travel times during the day. He also reported travel time study data showed Bangerter Highway was the choke point for east-west travel in the City. He indicated the continuous flow intersection (CFI) at 3500 South and Bangerter Highway had improved east-west travel on 3500 South.

Mr. Pyle explained the study would address the City Council action item to complete a feasibility study and conceptual design for a high capacity at-grade intersection at 4100 South and Bangerter Highway that would relieve east-west congestion.

The City Manager stated Avenue Consultants had provided a proposal to complete the study that would look at up to three different alternatives and make recommendations based on cost/benefit analysis for a preferred alternative. He further stated this study would be used to help secure federal and state funding to reconstruct the intersection.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-282, a Resolution Approving Funds for a Feasibility Study of High-Capacity Intersection Design at 4100 South and Bangerter Highway and Authorizing the Execution of an Agreement between West Valley City and Avenues Consultants. Councilmember Winder seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

14304 **RESOLUTION NO. 08-283, ACCEPT A QUIT CLAIM DEED FROM JOSEPH M. CHECCHIO FOR PROPERTY LOCATED AT APPROXIMATELY 6377 WEST 5400 SOUTH**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-283 which would accept a Quit Claim Deed from Joseph M. Checchio for property located at approximately 6377 West 5400 South.

Mr. Pyle stated Joseph M. Checchio had signed the Quit Claim Deed.

The City Manager reported Joseph M. Checchio owned the subject parcel of land which was located within the existing 5400 South. He indicated as the parcel was not usable by Mr. Checchio he desired to donate it to the City.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-283, a Resolution Authorizing the City to Accept a Quit Claim Deed from Joseph M. Checchio for Property Located at Approximately 6377 West 5400 South. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, NOVEMBER 25, 2008, WAS ADJOURNED AT 7:10 P.M., BY MAYOR NORDFELT.

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I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, November 25, 2008.

Sheri McKendrick, MMC
City Recorder

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